IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Criminal Miscellaneous No.47284-M of 2006
Date of Decision : September 01, 2006

Gurcharan Singh.

.....PETITIONER(S)

VERSUS

State of Punjab.

.....RESPONDENT(S)

. . .

CORAM:- HON'BLE MR. JUSTICE AJAI LAMBA

PRESENT:- Mr. Aminder Singh, Advocate, for the petitioner.

Mr. Eklavya Kumar, Assistant Advocate General, Punjab.

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AJAI LAMBA, J. (Oral)

This is a petition under Section 438 Cr.P.C. for bail in a case lodged under Sections 307, 148, 149 IPC and Sections 25 & 27 of the Arms Act.

It has been pleaded on behalf of the petitioner that the petitioner has not been named in the FIR. In the supplementary statement also, the petitioner has not been attributed any injury. The allegation is that the gun of the petitioner was taken by Parminder who fired. The gun has already been recovered, and therefore, custodial interrogation of the petitioner for the purposes of recovery is not required. Bail was declined by

the Additional Sessions Judge, Sangrur, on the ground that the gun is to be recovered.

The aforestated facts are not disputed by the learned State counsel, on instructions from HC Kulwant Singh.

In view of the above, the petition is allowed. It is directed that in the event of arrest, the petitioner shall be enlarged on bail on furnishing of bail bonds to the satisfaction of the Arresting/Investigating Officer, subject to the following conditions :-

> "(i) The petitioner shall make himself available for interrogation as and when required;
> (ii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
> (iii) The petitioner shall not leave India without the previous permission of the Court."

This order shall enure till 10 days after the petitioner receives a notice of filing of final report u/s 173, Cr.P.C. within which period, the petitioner would be at liberty to apply for regular bail.

(AJAI LAMBA)
JUDGE

SEPTEMBER 01, 2006
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